America After Tocqueville

Democracy Against Difference

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CAMBRIDGE
UNIVERSITY PRESS

PUBLISHED BY THE PRESS SYNDICATE OF THE UNIVERSITY OF CAMBRIDGE
The Pitt Building, Trumpington Street, Cambridge, United Kingdom

CAMBRIDGE UNIVERSITY PRESS
The Edinburgh Building, Cambridge CB2 2RU, UK
40 West 20th Street, New York, NY 10011-4211, USA
477 Williamstown Road, Port Melbourne, VIC 3207, Australia
Ruiz de Alarcón 13, 28014 Madrid, Spain
Dock House, The Waterfront, Cape Town 8001, South Africa

http://www.cambridge.org

First published 2002

Printed in the United Kingdom at the University Press, Cambridge

Typeface Sabon 10/13 pt. *System* QuarkXPress [BTS]

A catalog record for this book is available from the British Library.

Library of Congress Cataloging in Publication Data available

ISBN 0 521 81246 1 hardback

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Introduction: Thinking about American Democracy

The United States presents the most pressing example of how democracy and modernity were and continue to be, in their most vital aspects, identified with one another. It is not only as if the one depends on the other. From the moment they were coupled, each imposed some considerable force upon, or at least challenged, the other to discover how they combined to shape thinking about civil and political society. There may be a sting hidden in the apparently benign design that binds them together. While people in many places in the world claim that they are laying both the foundations of democratic rule and reaping the benefits of modern market forces and technology, the evidence seems to contradict the claim that the second rests on the first. Indeed, the recent history of non-Western parts of the world reveals that capitalism, on the one hand, and Enlightenment ideas and values, including democratic forms and practices, on the other, can move in opposite directions. The lesson we might draw is that the expansion of democratic values, outside selected Western oriented societies, is more apparent than real.[1] The real point in this book, however, is that they appear to exist as well in a beleaguered condition in the United States, which possesses the material resources and political traditions that at one time were believed to be immune from known, and as yet unknown, hostile forces. It may indeed be that the democratic ethos has been in a state of siege, almost from the beginning

[1] The widespread view that crisis plagues the major democracies is considered by several authors in *Disaffected Democracies. What's Troubling the Trilateral Countries?*, eds. Susan J. Pharr and Robert D. Putnam (Princeton: Princeton University Press, 2000).

of its American incarnation when the newly formed United States presented itself heroically to an astonished world after the American Revolution. Some sixty years later, Alexis de Tocqueville remarked in his incomparable book that while democracy was the wave of the future, in America it carried a large burden that might plague its health and raise doubts about its survival. And he said this at the very time that democratization was profoundly changing politics.

My book focuses on the nature and limits of diversity and equality, the several axes around which egalitarian principles and the American political system rotate, and the relationship between politics and economic life. In its darker mood, it asks if democracy, conceived as a deliberative process in the public life of citizens, may in fact be a utopian dream, irrelevant to their search to satisfy their immediate and special interests either as workers, consumers, home owners, or as members of minority groups and of religious denominations, and so on. It appears to be easier to remain locked into those roles and to attach oneself to single causes than to find good reasons to support a unified political cause that overrides them. If all the compulsions of modern economic life are decoupled from the idea that democracy entails deliberation and argument, the first may reign triumphant over and effectively negate the second.

Is democratic civil society defined by the market, or is civil society able to determine the limits that may be placed on it? The economics of capitalism may indeed exclude from the lives of citizens almost everything except the commands of private interest, and create a mental environment for an overpowering but mistaken identity between it and democracy. Neither a rigid notion of politics as total struggle and opposition, nor a benign one of politics as cooperation, which is more in keeping with supposed democratic values, but which is ultimately nonexplanatory, helps. If, instead, the goals of democracy are seen as taking place within a framework of conflict over power sharing, and not as a supposedly rational debate between competing interests seeking what is commonly praised as consensus, the altered focus might work to the benefit both of liberal political philosophy and a democratic culture in which serious thought is given how best to bring voice to ever increasing numbers of people. The contradiction between democracy's appearance and its reality, and the gap between its utopian dress and rude experience, might thus stand exposed. If so, then the process of democratization that Tocqueville witnessed, yet was fearful of, in the first half of the last century, may be given new life.

My book does not pay ritualistic homage to Tocqueville as an infallible guide to the American democracy of his own time or to modern capitalist democracy in ours. Rather it asks how we might understand how he illuminates, but also how he fails to discern, the disparities between professions of faith in democracy from which most questions of power have been excluded, and the existence of the hard facts of economic, cultural, and other differences. As a starting point, I take one of the more sobering conclusions in the first volume of *Democracy in America*, which comes in the form of a warning. Besides the difficulty of getting people to participate in government, he writes, there remains the problem of supplying them with the experience to govern themselves well. He was, of course, alluding to the experiences Americans would unquestionably face, and upon the foundation of which they would either succeed or fail to gain the capacity to live as free citizens. Then comes the muted bombshell in his last great chapter, "The Present and Probable Future Condition of the Three Races that Inhabit the Territory of the United States." The Indians and Negroes were absent from the Anglo-American polity – the "absolute and immense democracy" – that he considered to be unique in the world not only, because, as he put it, America was the first nation to embark on such a perilous journey, but for other reasons that are just as compelling. The chapter sharply grips all his themes in a tight fist and thrusts before us his concept of the connections and tensions between history and civilization.

Later, in the second volume, we find an observation that may be placed in startling juxtaposition with Tocqueville's pessimism, and one that – we must wonder if he intended it this way – seems to take the edge off his darkest foreboding about the capacity of white Americans to keep both their democracy alive and to resolve the problems of the existence of alien peoples in their midst. He believed that he had located the secret of America: The American citizen thrives on success supported by an abstract belief in human perfectibility that responds to constant change with irrepressible optimism. "Thus, forever seeking, forever falling to rise again, often disappointed, but not discouraged, he tends unceasingly towards that unmeasured greatness so indistinctly visible at the end of the long track which humanity has yet to tread."[2] What may lie ahead

[2] The references and quotations are from Alexis de Tocqueville, *Democracy in America,* trans. Henry Reeve, ed. Phillips Bradley, 2 vols. (New York: Vintage Books, 1945). **Hereafter, references will be bracketed and incorporated in the text (I, chap. 17, 341; chap. 18, 343; II, Bk. 1, chap. 8, 34–35).**

is, at the same time, measured by chance, a chance Americans are willing to take.

Not only do the rich eagerly embrace it, but also the poor. They harbor the hope that the rapidly changing society in which they live will not keep them in one place for long. In this respect, they tend to think of themselves as equal, not different. They find it easier to imagine a level playing field that seemingly preserves feelings of independence than an uneven one in which success is vouchsafed to the few and denied to the many. When they see fellow citizens rise from obscurity to wealth, they attribute the change to vice, Tocqueville observed, rather than admit their own lack of virtue or talent (I, chap. 13, 235). They are captured by the aura of the average; and while democratic institutions feed their hunger for equality without being able to satisfy it fully, their envy of the rich and the successful generates, contrary to expectations, no long-lasting resentments, but instead a climate of disappointment. Public opinion "draws them to a common level and creates a species of imaginary equality between them, in spite of the real inequality of their conditions. This all-powerful opinion penetrates at length even into the hearts of those whose interest might arm them to resist it; it affects their judgment while it subdues their will" (II, Bk. 3, chap. 5, 192). In America, in short, resemblance and difference are both invoked to support equality. So powerful is the tendency to recreate, so to speak, equality, that it works against independent thinking. The desire for the same, the simple, and the general demands laws and rules that will cover all and privilege no one. All are gambling on a benevolent future. The market, the place where competitiveness is worshipped, indeed creates social strata, but no one seems, Tocqueville implies, to believe that it creates a permanent hierarchy:

> Nothing tends to materialize man and to deprive his work of the faintest trace of mind more than the extreme division of labor. . . . The Americans . . . change their means of gaining a livelihood very readily. . . . Men are to be met with who have successively been lawyers, farmers, merchants, ministers of the Gospel, and physicians. . . . The whole life of an American is passed like a game of chance, a revolutionary crisis, or a battle (I, chap. 18, 443).
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> Those who live in the midst of democratic fluctuations have always before their eyes the image of chance; and they end by liking all undertakings in which chance plays a part. They are therefore all led to engage in commerce, not only for the sake of the profit it holds out to them, but for the love of constant excitement occasioned by the pursuit (II, Bk. 2, chap. 19, 165).

Although these passages would seem to indicate that he was quite accurately describing what we might call equality of opportunity, which

does not see inequality of income and inferior social rank as an insurmountable barrier to social and economic success, he chose to concentrate on what he preferred to call equality of condition comprising legal equality, social equality, and equality of respect. Clustered together, they significantly transformed the landscape of politics, for, thought of as inseparable and as one, equality of condition kept people peacefully engaged in the task of achieving success, while transferring the task of government to a few. Tocqueville was the first modern thinker to predict that Western society would be organized along democratic lines and that in America, more triumphantly than elsewhere, democracy would be identified with modern commerce. A parallel development was not, he implied, discernible in France. While, therefore, the popular will took root both in America and in France, there was another important aspect in which their particular histories ensured that its manifestations would differ, especially at the level of the state's action upon citizens, lighter in the first, heavier in the second. One might say that persons as citizens stood out more prominently than persons as subjects in America than in France, where the reverse was true. In short, the legacies of sovereignty, taken in their European context, did not press so insistently in America.

Beyond those specific national characteristics, which uniquely differentiated a new from an older, traditional one, modern democracy exerted an unusual power for good or ill. Equality that was, Tocqueville said, central to the democratic ethos – distinguishing it from all others – had two sides, one civil, the other political: "The principle of equality may be established in civil society without prevailing in the political world. There may be equal rights of indulging in the same pleasures, of entering the same professions, of frequenting the same places; in a word, of living in the same manner and seeking wealth by the same means, although all men do not take an equal share in the government"(II, Bk. 2, chap. 1, 100). From that insight, Tocqueville drew two conclusions. In the first place, since the demand for equality was so closely tied to the search for economic security, or more straightforwardly self-interest, it might lead to the strengthening of feelings of self-satisfaction and complacency within competing but not unpeaceful self-centered groups, and to the deadening of the sense of collective effort needed to maintain political institutions, and, as importantly, a vibrant civil society from which it draws its lifeblood. In the second place, the materialization of mind might lead to a profound despiritualization of society – "to hit upon what is expedient without heeding what is just, to acquire knowledge

without faith, and prosperity apart from virtue" (I, Introduction, 13). In that case, standing in the wings was a "tutelary power" eager to assume the role of benevolent despot, sublimely detached from the citizenry but giving it the material satisfactions it wants. Such a description fits one side of Tocqueville's analysis of the relationship of the social and the political in an American population sharing an equality of condition.

The other, more hidden, because conceptually weaker, side of his analysis is that American democracy was fated to seal, not reduce, the distance between the social and the political. Tocqueville did not overcome the difficulties of conceiving how an informed political elite could prevail against the full weight of the people without whose support it could not move. The only way he found to extricate himself from the conceptual tangle was to place his hopes on voluntary associations – in his view, the crucible of democratic action, and the fount from which presumably politics came to life. Now, almost two centuries later, it is crucial to ask two questions. The first is whether democracy has the energy to defend itself from its impulse to resist the difficulties of making and enacting political decisions, and even more radically, whether depoliticization – perhaps the trivialization of politics is the apter description – is democracy's endgame, and if that was its destination all along. The second, related to the first, is whether the dynamic of the market is the source of the debasement of political culture, indeed, of culture *tout court*.

To deal with these questions, I have chosen to carve out one small portion of the past history of American democracy to consider how it has shaped the present, and to discuss what forces – mainly internal to democracy itself – are changing its image and its reality. My study also moves to the present, where Native and Afro-Americans have made the search for equality their own, hoping that because it has worked, albeit imperfectly, for white Americans, it should work for them, even while they express much uncertainty that it will. My book, however, is not limited by a consideration of those who live on the far side of difference. Equality and difference, I contend, are questions that must be placed in the deeper context of existing but malleable political practices. For example, in one of its aspects, American democracy favors, at least in the abstract, the value of universality, while, in another, it clings to the known, and frowns upon any suspicion of special treatment. The search for and stress on identity as the sole criterion for determining the substance of equality seems to me to be a form of narcissism, which spurs

on the claims of those who deny the force of universalistic arguments by repudiating the project of the Enlightenment on the grounds that it is itself a form of cultural narcissism, springing arrogantly, they say, from an utter incomprehension of and disregard for other cultures.[3] The title of this book is meant to focus our minds on these two constructions of the relationship between democracy and difference.

From one point of view, we may gain some understanding of their relationship when we see how people deal with the issue inside a culture that mobilizes political forces that subtly contradict the democratic forms and goals of voluntary associations in a thousand different ways. The contradictions may be found in other areas in American politics, and call into question the viability, liveliness, and purposes of American political life. It may well be, as I have been alluding, that politics, which calls on the active participation of a significant segment of the citizenry, may no longer be the ultimate arena in which these questions are decided; and it is not certain that voting in elections, which has long been thought to be democracy's ultimate test, but which more and more, because they ask citizens to confirm their immediate rather than their common interests, should be the identifying mark of democracy.[4] Such as it is, voting is for many Americans the full extent of their political literacy, and it is not to be dismissed on the argument that elections are crude indicators of voters' wishes, or that the political class and citizens collude, the first to stay in power, the second to gain as much as possible from the electoral bouts of periodic bribery. Even so the importance of voting seems to diminish as more than half of the American electorate chooses to stay away. Included in that figure are those sections of the population that feel themselves to be the most marginal and the most vulnerable – including Afro- and Native Americans, who have been part of America

[3] Jürgen Habermas, *The Inclusion of the Other. Studies in Political Theory*, trans. Ciaran Cronin (Cambridge, Mass.: MIT Press, 1998) similarly argues that while persons as such are equal to all other persons, they are also absolutely different from all others: "The equal respect for everyone else demanded by a moral universalism sensitive to difference thus takes the form of a *nonleveling* and *nonappropriating* inclusion of the other *in his otherness*." His emphasis, p. 40.

[4] Bruce Ackerman views these low turnouts at elections with equanimity, on the one hand, seeing in them the reality of what he calls normal politics, and, on the other, arguing that, even when only 51 percent of voters – those deeply involved in seeking support for their movement constituting 20 percent, and 31 percent making up the rest – come out, they are a significant portion of the people who will go on to the final stage of transforming normal politics by altering the Constitution in a fundamental and revolutionary way. See his *We the People. Foundations* (Cambridge, Mass. and London: The Belknap Press of Harvard University Press, 1991), pp. 269–80.

from its inception – and who have turned away from politics and politicians whom they believe don't address their needs.

It is more true than ever that the better educated and the economically favored sections of society who bother to vote today constitute the largest part of the electorate, and do so because their stakes are higher. Yet, across the class and color spectrum, the majority of Americans have all but handed over politics to professional politicians and experts, who fulfill their own desire for money, success, and power, which they purchase by seeming to meet, although on a less reduced scale, the needs of the better-off, and on a significantly reduced scale, the same desires in the less-advantaged population. When Tocqueville noted the decline in the quality of American political life, and warned against the demagogues who were seeking office, he was sounding an alarm bell that has been rung often in the last century and a half.

These were telling symptoms for Tocqueville, but the causes were not immediately visible. The deepest urges of equality might lead radically away from politics. In their search for security, the illusions of wealth, and power, Americans may indeed gain the equality they desire – the equality that Tocqueville admired and feared at the same time. He stressed that the energetic pursuit of wealth in America has benign effects on its civic life and ultimately on its political life, bringing to them some of that energy, but he also feared that too close an identity between them, or confusion about the boundaries separating them, would prove injurious to the distinctively different requirements of civic and political concerns. He recalls for us that Americans in his lifetime did learn, albeit imperfectly, how laws may be fashioned to restrain the power of human passions – preeminently the passion for money and success – on the smaller scale of public life in the New England township that he admired. The route that Americans today are traveling to achieve equality shows strong signs of leading them to a place where the impersonal rules that operate in the market operate as well in the public forum, both of which are bounded by the world of postmodern global capitalism.

Both as an abstract notion and in its practical manifestations, democracy is varied in its meanings and a contentious area of concern among its various exponents. It is salutary to be reminded that democracy and slavery existed side by side in Athens, and were certainly not felt to be irreconcilable in the Southern United States. Athenian democracy did not rest unequivocally on abstract universalistic ideals. In America, these had their origins in a belief in Christian, not a universal brotherhood, and which, moveover, was to be realized fully in the next world. The

Christian ideal was then used as a foundation for a secular and humanist universality that supposed a principle of equality of all persons. Americans were forced to deal with the gap between official professions of faith in something that may not be capable of being actualized and is distant from their actual experience; and for most of their history, they have found the means to step away from the discrepancy by eschewing utopian longings, while paying homage to the principle of equality. No easy comparisons can be made between American and Athenian democracy. A sense of the past is crucial first to see how, in the case of democracy, one cannot escape from its two faces, one abstract, the other historical. Athenian democratic political life nourished itself on a belief in the unrivaled goodness of the public realm. This was its untested abstract side. According to Pericles, known to us in Thuycidides' ironic account of his Funeral Speech, even the citizens who were most occupied with their private affairs supposedly took an interest and participated in the debates affecting affairs of state. The democracy that they defended and he extolled was one in which:

> we are governed for the many and not for the few . . . As far as private interests are concerned, everyone has equal access to the law; but you are distinguished in society and chosen for public service not so much by lot as because of your individual merit. Furthermore, your poverty will not keep you in obscurity if you can do something worthwhile for the city. We are generous towards one another in our public affairs, and though we keep a watchful eye on each other as we go about our daily business, we don't get angry at our neighbor if he does as he pleases, and we don't give him dirty looks, which are painful though they do not kill. Painless as our private lives may be, we are terrified of breaking the laws. We obey them as they are administered by whoever is in power, especially the laws meant to relieve victims of oppression, whether they have been enacted by statute or whether they are the unwritten laws that carry the undisputed penalty of shame.

Pericles is in full, eloquent flight, praising both political egalitarianism and, if not the sturdy individualism that Americans like to think as rooted in free choice, at least an enduring respect for a person's right to lead his life substantially free of obstruction from the state. But a fuller freedom was not extended to all persons, to those human beings deemed incapable of exercising it in the public realm and therefore not considered the equals of those who could. The collective life of Athens acknowledged the private social realm of slaves, foreigners, women, and manual workers, but did not regard them as fully autonomous and hence capable of participation in the deliberative process from which they were

excluded, or simply counted out.[5] In contrasting Athens' virtues with Sparta's defects, Pericles surely indulged in the rhetoric of universality when he spoke of the government "for the many and not for the few," and when he spoke about "everyone" having "equal access to the law." We may read this as a declaration affirming the rights of all the Athenians. But these rights would be in the safekeeping of the Athenian citizenry, a select and exclusive group. The whole people, we hear him say, was constituted by men who could be of service to the state; their service rested on their individual capacities. Moreover, their poverty would not be an impediment to the service of the city. They were ready, he adds, to obey the laws, especially those to relieve the oppressed. But though we know that women were among his listeners, and, as well, that slaves and the propertyless were likely present, they were not considered the politically significant part of his audience, because they were deemed sufficiently different (either because of their gender, or had been deprived of their free status, or were lacking in material resources). They were not thought to have the actual ability to perform political service. But what could Pericles have had in mind when he spoke about ensuring protection for the oppressed? Simply that, for he acknowledges that citizens, because they represent themselves, can protect themselves, while others, who are not in that fortunate condition, would depend on and gain the protective support of a generous citizenry. What prospect was there that the protected would ever win the right to work their way past their tutelage to present themselves? There is evidence that more and more poorer Athenians no longer needed that protection. According to a recent study, democratic reforms "shifted the domestic balance of power toward the poor and the navy. . . . [for at] the height of democratic government, trireme rowers were full citizens," and were "generally from the lower classes."[6] Women, however, remained outside the inner circles of citizenship. At the end of the Oration, Pericles praised the women of Athens in the audience for not being "worse than your nature's inferior, and in having the least possible reputation among males for good or ill," but we may infer that he also meant that their differences were such as to make them unsuited for political life.[7]

[5] J. Ober, *Mass and Elite in Democratic Athens* (Princeton: Princeton University Press, 1989), pp. 6–7.

[6] Bruce Russett with William Antholis, "The Imperfect Democratic Peace of Ancient Greece," in Bruce Russett, ed., *Grasping the Democratic Peace. Principles for a Post-Cold War World* (Princeton: Princeton University Press, 1993), 59.

[7] Thucydides, *The Peloponnesian War*, trans. Walter Blanco (New York: W.W. Norton, 1998). Citations and references from pp. 73–76.

Much later, when we turn to the early modern period of Europe's past, we find that John Locke, addressing the question of authority and liberty, believed that the generous protective hand extended to the unself-represented was not enough: "But whatever have been the occasion [of our misfortunes] . . . we have need of more generous remedies. . . . It is neither declarations of indulgence, nor acts of comprehension, such as have yet been practiced or projected among us. . . . Absolute liberty, just and true liberty, equal and impartial liberty is the thing that we stand in need of."[8] Others who were as much concerned with equality perceived some of the problems that lay in store for a democratic society that would take up the question about the nature of reasoned debate, including a debate over who should be included in the art and practice of deliberating, and about those who were deemed to be political equals sharing in public life. The Rousseauian civic ideal, for example, predicated a shared collective life of a small homogeneous population with differences reduced to a minimum. Thus, when Rousseau thought of the people whose voices demanded to be heard, and when heard, thereby entered politics, he had in mind an integrated community, sharing acceptable beliefs and agreeing on actions, in which intrusive differences were barely, if at all, to be tolerated. Superiority and inferiority were banished in the name of a disciplined equality, stabilized but frozen in time, and in that way, not only keeping foreigners out, but in keeping a tight circle around the conduct of politics.

Little of this same urge persists in modern democratic pluralistic societies, where liberal ideology softens, and indeed alters, the parameters of difference. The balance between superiority and inferiority in fact passes from a negative to a positive register as conditions of acceptability change over time. In the broad and middle stretches of the population in modern America are people who qualify for degrees of equal consideration, because they are thought to be fairly equal in their capacity to achieve a sense of self, if not completely, yet substantially, within a society sharing a common set of goals. The thought and expectation are both given legitimacy, because the Fourteenth Amendment to the U.S. Constitution contains the words "equal protection" and "due process" in the same sentence, thereby establishing a foundation for the application of the law without regard to a person's ethnicity, gender, and religion.

Though these constitutional safeguards exist, the impediments to the full protection of the law and due process have by no means all

[8] John Locke, *A Letter Concerning Toleration* (Buffalo, NY: Prometheus Books, 1990), pp. 11–12.

been reduced, if only because not all Americans feel that they are self-represented adequately either in their private lives or in their lives as citizens. A crucial reason for this is that democracy, whether of the Rousseauian or the pluralistic variety, can deal more easily with sameness and the general, but is uncomfortable with the phenomenon of difference – in short, with the particular, with the part that is not part of the whole, and finds reasons for seeing it as dissonant, and hence worthy of exclusion. When that excluded part questions the hierarchical social order, it seeks to intrude and to destabilize it, and does so by hoping to unmask those in power on the grounds that their exclusionary basis of power rests on specious and illegitimate grounds. On the individual psychological level, a person may find it unsettling when measuring his sameness with, and his difference from, others. Thus, if it is sameness that is sought, difference is minimized. It is as if the energy propelling this human tendency to look for resemblance works to make invisible the difference in others. True, excellences are applauded in every field of human striving, and the more diverse the fields of endeavor, the more equally is achievement distributed. Democracy acknowledges distinction and distinctions, even celebrates them, but it also has a tendency to flatten them, as if, in responding to a deep reductive urge, it seeks almost instantaneously to restate a principle of general achievement, available to all. Any achievement, in other words, that does not threaten to have a label of permanent superiority attached to it is found to be acceptable. In this way, the craving for a sense of equality is constantly, if perhaps often only seemingly, reestablished and reasserted. The impulse to affirm equality may also be seen as an affirmation of a belief in its universality.

The equality ideal purports to see persons as individuals, rather than as persons belonging to distinct groups, yet by uttering and acting on the first principle, while not entirely repudiating the second, a tension of ambiguity is created. The argument that each person is capable of making his own way in the social world, bringing to it nothing but his self, is indeed central to the American liberal individualistic creed, strengthened by a fierce and often brutal competitiveness. The ambiguity also may be seen to work from the opposite direction when group loyalties, and the search for identity within the boundaries set up by those loyalties, are given primary importance, as they are, for example, in social relationships that meet what might be called opportunities for, and expectations of, meeting psychological and material interests. For all the criticism this tension has received from those who have appealed

to a gentler America, it is seen by some as positive on the grounds that its reregistration of identity is not only an inescapable but a desirable aspect of the democratic dynamic. The replenished identity loops back and keeps the dynamic alive, but not by sealing off the possibility of breaching the boundaries. Indeed, movement across the boundaries does occur when it is seen as advantageous. But when the person comes clothed in an alien skin, or in other respects is seen to be part of an alien group, the welcome he receives is at best mixed; and the equal treatment that he and the group of which he is part desire is not easily given. Charges of special treatment are hurled about when he is singled out for special recognition and treatment, together with the blanket criticism that equality is threatened; the impulse is to do away with, not to acknowledge, difference. Those advocating departures from the norm say that these are justified because they incorporate respect for differences and collective forms of distinction. Both the critics, who argue against measures to right historical wrongs, and the defenders of Afro- or Native Americans – to name the two most disaffected constituencies – who keep a balance sheet in which they subtract past resentments from equal rights policies, do little to convince us that they have moved beyond simple notions of equality. If this is so, the harmful effects pile up from the present inability – perhaps refusal – to rethink the ways in which democracy draws the lines to and away from difference, and, when doing so, how it affects equality and liberty. It may be that the democratic default system acts so powerfully that it conceals its flaws. Or that it averts its eyes from the sheer force of the play of power in the politics of inclusion and of resentment in democratic society.

There can, nevertheless, be no doubt that although beset with enormous problems, democracy remains after almost two centuries of political debate a spoken but confused ideal that most Americans support, however imprecisely, sentimentally, and incoherently they speak about it. Across a wide spectrum of democratic opinion, the conviction that people are basically equal in value and have equal moral worth, even if ability is not equally available to all, remains ostensibly strong, but often it is submerged by feelings of despondency on the part of those who live on unequal shares, and by feelings of angry impatience or cultivated indifference by others who are better placed. In developing his "difference principle," John Rawls argues that anyone favored by the accidents of nature should not assume a right to, nor should society introduce public policies that would sanction, superior moral claims and greater material rewards. "The naturally advantaged are not to gain merely

because they are more gifted but only to cover the costs of training and education and for using their endowments in ways that can help the less fortunate as well. No one deserves his greater natural capacity nor merits a more favorable starting place in society."[9]

Rawls' original position is based on questioning those inequalities considered to be arbitrary on moral grounds, because the inequalities are assumed to derive from natural gifts. Yet, even as he established the principle of enhancing the possibilities of equality, he seemed to question it by subordinating it to liberty.[10] His scheme was also ideally founded on an expectation that impartial judgment will in practice produce justice, as if everyone can or will agree intuitively on how to distinguish its features. He also placed confidence in the beneficial effects of consensus-making that would ensure a fair chance of satisfying diverse and conflicting goals and political aims.[11] Can, however, a sharper focus on these questions be achieved, one that will clarify the facts yielded by detailed study that will in turn be tested against and alter the mental and emotional landscape that make up the American ideal, refining some of its strokes, erasing others, and introducing new ones? One way to achieve this focus is to reexamine the urge to see all members of a group in the same light, and, in the instance of Native and Afro-Americans, to see them – as so many of them refuse to see themselves – not as units of an undifferentiated mass airing the same grievances, but as persons with a sense of how they differ among themselves, and from others who are not Native or Afro-American, as well as how they resemble them. Here we encounter the difficult problem of how and to what ends the individual achieves his sense of being part of a distinctively separate community or collectivity, or contrariwise seeks to find it outside its bounds.

In an unexpected way, France, along with the major nations that espouse Western values, is at the present time wrestling with the problems of immigration – integrating peoples from distant and alien cultures, the legacy of an imperialist past. No modern nation, however, matches the unique conditions and peculiar circumstances of America. It was in the United States, a self-professed egalitarian society, that the dilemma of creating a democratic society in which Anglo-Americans, aboriginal, and newly freed slave populations might share a body of

[9] John Rawls, *A Theory of Justice* (Oxford: Oxford University Press, 1971), pp. 101–02.
[10] Ibid., p. 250.
[11] John Rawls, "The Domain of the Political and Overlapping Consensus," *New York University Law Review,* 64 (1989), 234.

values, was first contemplated, if only by a few, and was most tragically experienced. Nowhere in the rest of the Americas did such a juxtaposition exist. It became the more pressing as the slave proportion of the American mainland population rose in the eighteenth and nineteenth centuries. This stubborn phenomenon was without precedent in other parts of the hemisphere. Other colonial peoples, such as the Spanish, Portuguese, and French in the New World, where there were larger black populations and where emancipation came earlier, nonetheless lived in a political culture that conspicuously lacked parliamentary and common law traditions, and failed, even if the color bar were not so virulent, to elevate ideals of civic and political engagement in quite the same way. Though these traditions had some force in the British Caribbean island colonies, their cramped dependence on the mother country, their achievement of independence so-long delayed, created a different mix of receptivity to equality and liberty. If we look farther afield, to Czarist Russia's expansion eastward in Asia, we find that it also registered a very different political culture, in which political inclusion was not seriously considered until the last century, leaving a very different imprint on vastly diverse populations experiencing economic backwardness and little exposure to democratic forms.

The very different trajectory traced by the contact of Europeans and non-Europeans in the United States also distinguishes it from the European encounters with peoples from other cultures almost two hundred years later. Only now do they in France (and in other parts of Europe) constitute a large enough migrant mass to request full inclusion in the host society. But a subtle change has occurred. They were formerly called migrant workers. Today they are simply designated as immigrants, and the idea that they are also workers who might be assimilable has been, if not entirely dropped, given only heavily qualified support. I am also thinking of the mixed responses in France, for example, to demands made on its democratic traditions by the presence of a Muslim population for whom the idea of a distinction between the temporal and the spiritual, and hence the political and religious, is thought to be barely conceivable by the host country. As well, the absorption of Africans from the defunct French empire remains troubling. These are pressing problems awaiting creative political answers. In France, the issue of *laicisme,* or what has been called the substitution of a secular catechism for a Catholic one, has resurfaced acutely in recent years in the realm of public education, where Muslims challenge the state's efforts to keep out culturally distinguishing features, such as dress, from the classroom.

(Professing Christians and Jews long ago made their peace with the laicised school regime.) Relations between Church and State in France are conceived inside a context that encompasses a tradition of universal rights that constitute an ethos deemed superior to any notions of inviolable religious rights. Many French citizens find it difficult to accept the particular and the plural on the grounds that universal application of principles legitimately subsumes them. The more brutal reality, however, is that the immigrants whose visibility at times evokes indifference, but at other times, foments hatred, creates a perfervid climate in which their absolute otherness seems unbreachable. In America, Church-State relations are less rigid, and therefore more open to controversy and wavering decision, often finding apparently final resolution in findings of the U.S. Supreme Court, only to be challenged in successive rounds of litigation. Debate over religious issues, rarely if ever distinguished from social questions, remains sharply divisive.

Newcomers to America did not encounter an empty continent – even if they quickly created a myth that it was to all intents and purposes uninhabited – and in a short time they also brought to it an enslaved population. Both the Amerindian and slave populations were kept at a distance by draconian measures. Also, unlike the other countries in the Western Hemisphere that were still in a semi-colonial state (including Canada which was, moreover, still not as democratic in its political institutions as the United States was by the mid-nineteenth century), the United States proudly professed its republicanism and its democratic aspirations and claimed to live by their dictates, though the clashes between the holdovers from eighteenth-century republican ideas of virtue and the popular and often-aggressive democratic will were on the minds of Americans before, during, and after Tocqueville's visit. Nowhere else, apart from France perhaps, did these ideals so critically raise questions of the meanings of equality. Moreover, the fact that Tocqueville distinguished the revolutionary (French) and the non-revolutionary (American) content of the two species of equality helps explain why we continue to think of the two democracies as fraternal rather than identical twins.

And so I take up Alexis de Tocqueville's announcement in the 1830s that he was describing a new civil society in America. In isolating the features of the specific ethos that differentiated one society from another, he sought out those ideas and values that formed them. In turn, he aspired to gain historical perspective, knowing that historical periods are not easily, totally, and finally demarcated from one another. Although

hardly startling, this theory of the past is of high importance. In Tocqueville's case, we find that his determination to address the problems of a future democratic civil society and government nearly always – as if working against his will to draw the social contrasts as sharply as he could – brought to his mind the ironic persistence of older values and how some might be, not so much salvaged, as given some new and firm basis for survival. The most pressing need, as he saw it, and as we may perhaps also be enabled to see by his exploration of just such a challenge, was how to envisage a democratic society that would keep alive yet actively transform the varieties of human experience. Already he saw that this new civil society that replaced the lost world of a society bound by tradition, caste, rank, and privilege might, unless it looked closely to its foundations, itself in turn become a lost world.

Tocqueville's claim on us rests not only on his beguiling oracular utterances. It is founded more permanently, it seems to me, on his capacity to touch deeply points of high intensity in American society. In the years since, they have in some instances proven to be even more critical. In a very powerful way, a good many of his perceptions continue to govern American views of those older, as well as the newer, sources of tension. This book embraces those insights to heighten awareness of what has befallen the American dream, but it does not accept them uncritically. Americans have traveled far since those distant times, when a covenant brought to the shores of America English dissenters, who prided themselves on listening to and acting on their conscience. From the depths of that conscience, they took steps toward the creation of a social solidarity based on their conception of, and belief in, a unique correspondence of authority and liberty. Today, the older notion of authority embedded in those politics has long since vanished. It lies dispersed among several points of power. Originally this dispersal was designed to prevent the abuses of uncontrolled power exercised from one center. However, one may ask what consequences follow from the more extreme examples of fragmented authority that are visible today, and whether they may be inherent in democracy itself. Democracy, needing no authority other than itself, can, it seems, shape political culture in any way it wishes, creating new forms for itself in a time of rapid change and advanced technology. It follows that democracy is likely to move beyond politics as we have known it. It is thus an open question whether, living in a nation-state, which has lost many of its conventional signposts, and, even more critically, in a changing globalized capitalist economy, which overrides old boundaries, Americans are intent on trying to preserve and

extend to different groups whatever remains of that politics of affection and loyalty that presumably gave life to the small local communities so admired by Tocqueville. It is even more open to question that they are prepared to endure the risks, and welcome the opportunities, of crossing borders. One may ask whether they can make the communications technologies that monitor and manipulate mass democratic desires, needs, and opinion work for them.

This book takes up some of the problems of the history of the American democratic experience. The focus in Part I, Chapter 2 is on Tocqueville's high regard for the Federalists, who, in their determination to create a democratic state, firm enough to neutralize the centrifugal actions of states' rights, would, at the same time, be capable of preserving liberty in a sea of expanding equality. Interwoven in my discussion are the processes by which inequality in the privileged setting of an aristocratic regime were questioned, and succumbed to affirmations of equality. The Federalists are important because their pronouncements continue – if not to determine, but still called on – to confirm or invalidate different views of the intent of the American founders. European thinkers also remain important because they were much present in the minds of the Americans who shaped the Constitution and strove to give body to their concept of politics and the principles of a good society. I also call on some of their nineteenth- and twentieth-century European and American successors who have added to the discussion on the future of democracy. We will do well, as we traverse this territory in this and other chapters, to be mindful of Tocqueville's view that political theory by itself has no lasting value unless it addresses actual political practices. Unlike the Founding Fathers who, he believed, bent their minds to the practical exigencies of governing, those who lost themselves in the thickets of abstraction prove to be poor guides in dealing with a culture that calls itself democratic, and is somewhat uncomfortable with grand theory that advocates sudden change in the conditions of property and people, and from which it recoils instinctively (II, Bk. 3, chap. 21, 270, 274). Political theorists were, to be sure, helpful, but they were not to be granted a special role as explorers of the American democratic essence. As a political theorist and a social critic, Tocqueville was intent on finding concrete ways to achieve a reasonable balance between the oft-opposing commands of equality and liberty.

Chapter 3 is devoted to a discussion of how, both in Tocqueville's view and in the opinion of one of his valued correspondents, John Stuart Mill, and of twentieth-century political theorists, a democratic civil society

might retain its capacity to enlarge its range and continue to engage the population as citizens helping to make collective decisions benefiting all of them. The chapter introduces questions, first, about Tocqueville's belief in the vibrancy of voluntary associations that he attributed to the vast energies released by commerce, and which he argued were the source of political engagement and the positive enemy both of the materialization of private life and withdrawal from public life. It also asks, second, what we are to make of the Tocquevillian paradox that a market society appears to act as a sorcerer, creating prosperity, but at the same time throwing people into the turmoil of facing their duties as citizens.

Part II occupies the middle portion of the book. Chapters 4 to 6 rest on a notion of successive beginnings. The thread that unites them centers on Tocqueville's understanding of how America's treatment of the Native and slave populations might determine its future, as well as whether there was a future for them. Chapter 4 describes how the European mind came to imagine a new beginning after the Atlantic discoveries. It was a mind that saw the world as its own to explore and inhabit. The chapter evaluates Tocqueville's response to Native American culture the displacement of which he accepted as the inevitable outcome of the clash between Western and non-Western cultures, but which also strained his dedication to universal humanistic values. Chapter 5 offers an analysis of his reading of democracy in the New England township as a close fit between authority and liberty. I use the words "A Second Beginning" in my title for Chapter 6 to designate how, in thinking about the aftermath of the creation of the Federal Union, Tocqueville could not make the imaginative leap to include an active role in it for either the aboriginal or the black population. The chapter tries to understand the meaning of his near elision of groups of people from the new democracy by considering the context of his culture and time and the options that were then available.

Part III's Chapter 7 looks at a few works of the American imagination, its fiction, and its poetry to see how they approach the question of race and color, and it reviews, in contrapuntal fashion, the ideas of political theorists and polemicists on how American democracy deals with or confronts conflicts arising from the recognition of difference while trying to measure and ensure equality. I do not make a full turn in Chapter 8 to a historical discussion of voluntary associations, nor do I undertake a comprehensive critique of the empirical works of the phenomena. I have chosen instead to engage with contemporary social and political theorists who have focused on it as the spur to modern democratic

action. The chapter deals with two issues of critical importance. The first issue evaluates Tocqueville's stress on the power of voluntary associations to keep the spirit of civic action and political concern alive by looking at how their modern advocates and critics regard them under the canopy of organizations that dwarf them in size. It does so within a context of how the prevailing ideas and practices of democratic consensus, which rely heavily on their putative virtues of dispersing power, but which may be more importantly understood as a branch of administrative control, have concealed the ways in which power is exercised. The second issue evaluates the impact of the enormous changes modern corporate and global capitalism have created, and attempts to assess whether it is the source of an irrevocable debasement of democratic politics. More radically, it asks whether politics as Americans knew it and now practice it will have an opportunity in a swiftly changing economy to make it work for them, or whether they will have only its forms, and not its substance, facing them. Chapter 9 takes up a problem that eludes final resolution even when it is given serious consideration. I have chosen, as in Chapter 8, to treat the sources of democratic authority in the context of political philosophy, with some references to American constitutional practices. The attempt to locate a stable source of democratic authority may, even if it proves to be a cul de sac, nevertheless not be an entirely futile exercise. How does one conceptualize it beyond moving full circle back to its source – the people? And how is the people's will to be read? The Federalists believed that they could best put minds to rest by distinguishing between a republic and a democracy, vesting final power in those who acted as the people's representatives. However, because in the very act of separating power between the three branches of government, they avoided a consideration of what might occur in times of crisis and who would be best able to deal with it, they left behind as a legacy periodic reexaminations of the original purposes of constituting power, bringing to the fore different claimants calling themselves the undisputed heirs of the popular will.